IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION NO. 403 OF 2003

Tanwar Silk Mill ... Petitioner

Vs.

State of Maharashtra & Ors. Respondents

None for the Petitioner.
Ms. S. Sreedharan, A.G.P. for Respondnet Nos. 1 to 3.

Nr. Rahul Nerlekar for Respondnet No. 4.

CORAM : F.I. REBELLO,J.
DATED : NOVEMBER 29, 2004

P.C.

1. None present for the Petitioner when the matter is called out. There was award in favour of the workman. Clarification was sought in respect of the said award under Section 10(A) of the Industrial Disputes Act, 1947. The learned Arbitrator by his award dated 27.3.1996 was pleased to issue clarificatory award. Neither the initial award nor clarificatory award has been challenged.

2. Based on the awards, respondents made application under Section 33C(1) of the Industrial Disputes Act 1947 and on considering the material certificate came to be issued for the amount as set out in the certificate. The recovery was sought to be made based on that certificate by the Collector.

It is at this stage that the Petitioner filed the present petition.

3. To my mind considering the fact that there was an award and clarificatory award, it was open to the respondents to apply under Section 33C(i) of the Industrial Disputes Act. This at least would not be the case for this court to exercise its extra ordinary jurisdiction. In the light of that, rule discharged.

4. The counsel for the Respondnet No. 2 points out that the amount has been deposited before this court. That amount in terms of the certificate along with accrued interest, if any, will be paid in the hands of Respondent No. 4 on producing certified copy of this order.

(F.I. REBELLO,J.)